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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,796	11/08/1999	STEVEN R. DONOVAN	RIC99060	7148
25537	7590	06/21/2005	EXAMINER	
MCI, INC TECHNOLOGY LAW DEPARTMENT 1133 19TH STREET NW, 10TH FLOOR WASHINGTON, DC 20036			SEFCHECK, GREGORY B	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/436,796

Applicant(s)

DONOVAN ET AL.

Examiner

Gregory B. Sefcheck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-28 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/1, 2/28 & 1/5/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Applicant's Amendment filed 4/6/2005 is acknowledged.
- Claims 6, 10-12, 14, and 19 have been amended.
- Formal drawings filed 4/6/2005 are acceptable and approved. The previous objection is withdrawn.
- The previous rejections of claims 6, 11, and 12 under 35 USC 112, 2nd paragraph are withdrawn in light of the amendment.
- The previous objections of claims 2 and 14 are withdrawn in light of the amendment.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5-7, 15-17, 19, 20, and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US006069890A), hereafter White, in view of Thomas et al. (US006487283B2), hereafter Thomas.

- In regards to Claims 1, 2, 6, 15, 16, 19, 20, 22, 23, and 26,

White discloses a system and method where public switched telephone networks utilize program controlled switching systems arranged in an architecture with the

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Internet to provide telephone services (Abstract; claim 1,16,19 – method/system for routing calls to an available destination gateway to establish a call in a telecom network between source user agent and destination user agent over a path supported by a telephone network and IP network).

Referring to Fig. 4, White discloses the ability to establish a call between a source user 100 and destination user 118 located in different public switched telephone systems (LEC 102 and 114) through the Internet 106, which is shown to have multiple gateway routers 104/116/120 for ingress and egress. The ingress gateway router 104 acts as a proxy server for establishing a call from the source user by querying the Internet Address Database 112 (redirect server) for the address of the particular destination gateway (Col. 7-8, lines 45-20; claim 1,16 – IP network includes plurality of ingress and destination gateways, proxy server, and redirect server).

White shows that source 100 initiates a call by dialing the directory number of the called party 118 (destination; Col. 8, lines 30-32; claim 1,16,19 – receiving setup request that identifies a destination user agent in a PSTN at proxy server from a source user agent in a PSTN).

The LEC 105 of the source 100 connects the call to the gateway router 104, which then queries the Internet address database 112 to obtain the Internet address of the destination gateway 116 (Col. 8, lines 32-62; claim 1 – forwarding request to redirect server; claim 1,16 – receiving routing information or a request failure response from the redirect server).

Using the address information from the Internet address database 112, the gateway router 104 uses the address to communicate the call connection request to the destination gateway router 116, which can communicate with the destination user 118 through LEC 114 (Col. 8, lines 62-65; claim 1,19 – proxying request by the proxy server to a destination gateway selected from the routing information received from the redirect server, selected destination gateway can communicate with a PSTN including the destination user agent).

White does not explicitly disclose waiting a predetermined time for a response from the destination gateway, whereupon the connection is established with the responsive gateway or the request is repeatedly sent to succeeding gateways capable of communicating with the destination user until the connection is made.

Thomas discloses an IP routing engine that is able to locate eligible (in-service) destination gateways capable of terminating a voice over IP call by working through a prioritized list of eligible destination gateways until the call is established. Thomas further shows that predetermined preferences (status information) such as delay tolerance and number of attempts for establishing the call may be setup through the system's clearinghouse 50 (network management system; Abstract; Fig. 2; Col. 6-8, lines 37-64; claim 1,19 – upon proxying, waiting for a response from the selected destination gateway for a predetermined time; claim 1,19 – upon receiving the response within a predetermined time, establishing a communication session using the selected destination gateway; claim 1,19 – if response is not received within predetermined time,

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sending the call setup request to a succeeding destination gateway selected from the routing information and reporting failure of the selected destination gateway to the redirect server, wherein the succeeding gateway can communication with a PSTN including the destination user agent; claim 2,20 – repeating the method steps of proxying/waiting until a destination gateway is determined to be available or until all destination gateways from the routing information have been determined to be unavailable; claim 6 – counting a number of received requests subsequent to call setup request being received at the proxy server; claim 15 – resending the setup request to the selected destination gateway a predetermined number of times when the response is not received within the predetermined time; claim 16 – network management system in communication with proxy server for receiving and storing status changes of destination gateways; claim 22 – status of destination gateway determined to be available is in-service; claim 23,26 – routing information identifies at least one destination gateway that can handle the call according to status information tracked by the redirect server)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system and method of White by providing a prioritized list of eligible destination gateways for establishing a call between a source and a particular destination based on tracked status information of the destination gateways, as taught by Thomas, thus increasing the success rate of completing the call if the optimal destination gateway is unavailable and also enabling routing options based on availability and pricing.

- In regards to Claim 5,

White discloses a system and method where public switched telephone networks utilize program controlled switching systems arranged in an architecture with the Internet to provide telephone services that covers all limitations of the parent claims.

White shows that the source user 100 dials “*82” in order to address the subsequent called party digits to the gateway router to be processed as an Internet call (Col. 8, lines 21-44; claim 5 – receiving setup request at the proxy server includes addressing the setup request to a proxy address of the proxy server).

- In regards to Claims 24, 25, 27, and 28,

White discloses a system and method where public switched telephone networks utilize program controlled switching systems arranged in an architecture with the Internet to provide telephone services that covers all limitations of the parent claims.

White shows that the request for establishing the call sent from the gateway router 104 to the destination router 116 specifies the IP address of the destination gateway (Col. 8-9, lines 45-10; claim 24,27 – setup request identifies the destination user agent by specifying the address of the destination user agent; claim 25,28 – address includes the real IP address of the destination user agent).

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- In regards to Claims 7 and 17,

White discloses a system and method where public switched telephone networks utilize program controlled switching systems arranged in an architecture with the Internet to provide telephone services that covers all limitations of the parent claims.

White does not explicitly disclose a proxy server comprising a SIP proxy server.

The Examiner takes Official Notice that it has been common practice in the art to utilize session initiation protocol (SIP) and other similar internetworking protocols, such as H.323, for establishing voice over IP calls between different domains (claim 7, 17 – proxy server comprises a SIP proxy server).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and system of White by utilizing a SIP proxy server, which, is an industry-standard protocol for establishing voice over IP calls between different domains, thereby providing the method and system of White with compatibility and address translation between the source and destination PSTNs and the Internet domain.

3. Claims 3, 4, 8-10, 13, 14, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Thomas as applied to claims 1, 16, and 19 above, and further in view of Iwama et al. (US006600735B1), hereafter Iwama.

- In regards to Claims 3, 4, 8-10, 13, 14, 18, and 21,

White discloses a system and method where public switched telephone networks utilize program controlled switching systems arranged in an architecture with the Internet to provide telephone services that covers all limitations of the parent claims.

Neither White nor Thomas discloses recording the status of a destination gateway as out-of-service in a status information table when a response is not received within a predetermined time. White and Thomas also do not explicitly show a proxy server comprising an H.323 gatekeeper.

Iwama discloses an Internet telephone connection method for performing call connection to a PSTN through a gateway device (Col. 1, lines 7-10). Referring to Figs. 7 and 10, Iwama shows that the service status of a group of potential destination gateways is determined for completing a call to a destination utilizing an H.323 gatekeeper. When a preferred gateway is unavailable for connecting the call, it is registered to the source in a network database as "out of service" (Col. 4, lines 22-48; Col. 10, lines claim 3,21 – recording a destination gateway status as out-of-service if the response is not received within the predetermined time; claim 4 – recording destination gateway status as out-of-service in a gateway information table stored within the redirect server; claim 8,18 – proxy server comprises an H.323 gatekeeper; claim 9 –

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responding to the forwarded setup request from the proxy server received at the redirect server includes determining the status of a group of destination gateways; claim 10 – status is one of in-service or out-of-service; claim 13 – sending a message from the proxy server to a network manager to record the status of a destination gateway; claim 14 – forwarding a request failure response to the source user).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and system of White in view of Thomas to record the status of a destination gateway as “out of service” in a network database if a connectability problem prevents a response to the proxy request within a predetermined time or “in-service” if the connection is properly established and functional, as taught by Iwama. This would prevent subsequent attempts to unavailable gateway devices until the connectability problem is corrected and the gateway can be returned to “in service” status.

Allowable Subject Matter

4. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 4/6/2005 have been fully considered but they are not persuasive.

- In the Remarks on pg. 13 of the Amendment, the Applicant contends that the Internet address table 112 is not equivalent to a redirect server as required by claim 1.
- The Examiner respectfully disagrees. Both the Internet address table 112 and the redirect server recited by the Applicant are used by the source gateway router for the purposes of collecting information pertaining to a proper destination gateway to which the requested call is to be connected to through an IP network. It is the opinion of the Examiner that the Internet address table 112 disclosed by White is equivalent to the redirect server recited in the Applicant's claims.
- In the Remarks on pg. 14 of the Amendment, the Applicant contends that White does not disclose or suggest receiving routing information or a request failure response from a redirect server at col. 8, lines 32-62.
- The Examiner respectfully disagrees. The cited passages of White disclose how source gateway router 104 utilizes the Internet address table 112 to collect information pertaining to a proper destination gateway to which the requested call is to be connected to through an IP network. It is

the opinion of the Examiner that disclosure of White in which the source gateway router 104 receives a destination gateway's IP address from the Internet address table 112 based on the dialed digits received in the call setup request, is equivalent to "receiving routing information" from the redirect server as recited in the Applicant's claims.

- In the Remarks on pg. 15 and 18 of the Amendment, the Applicant contends that Thomas does not disclose sending a call setup request to a succeeding destination gateway if a response from a selected gateway is not received within a predetermined time. Furthermore, Applicant contends that Thomas does not disclose reporting failure of a selected gateway to a redirect server as required by claims 1 and 19. Applicant also contends that it is not clear which portion of columns 6-8 of Thomas have been cited by the Examiner to disclose the features of claims 1 and 19.
- The Examiner respectfully disagrees. As stated by the Applicant, Thomas discloses a centralized routing engine that provides a prioritized list of eligible destination gateways for a source gateway. It is inherent that the source gateway of Thomas will "work through" (see Abstract) the provided list to the next prioritized gateway if a connection cannot be established with the highest priority gateway after a predetermined time or after a reported failure because there would have to be some indication that

moving on to the next destination gateway in the list is necessary. Lines 37-64 of columns 6-8 in Thomas were cited by the Examiner because those passages provide an explanation of how the prioritized list is generated and used by a source gateway.

- In the Remarks on pg. 16-17 of the Amendment, the Applicant contends that the Examiner has not clearly indicated where in White or Thomas discloses the recited feature of claims 23 and 26 where "routing information identifies at least one destination gateway that can handle the call according to status information tracked by the redirect server."
- The Examiner respectfully disagrees. The Examiner has shown that White discloses the Internet address table 112 (redirect server) provides routing information identifying at least one destination gateway that can handle the call to source gateway router 104. Thomas introduces the feature of identifying the at least one destination gateway according to tracked status information. The Examiner has cited passages of White and Thomas for these features in the rejection. The combination of this specific feature of Thomas into the system and method of White has been included in the rejection, above, such that the rejections of claims 23 and 26 are more clearly shown.

- In the Remarks on pg. 18 of the Amendment, the Applicant contends that it is not clear from the Office Action filed 1/7/2005 how White and/or Thomas is relied upon to disclose a network management system in communication with IP proxy server for receiving and storing status changes of destination gateways.
- The Examiner respectfully disagrees. The Examiner has clearly shown that Thomas' disclosure of a clearinghouse 50 is interrupted as a "network management system" as recited by the Applicant in claim 16.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

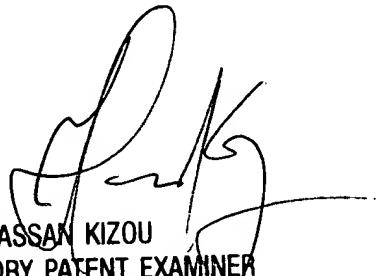
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory B. Sefcheck whose telephone number is 571-272-3098. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GBS
5-31-2005


HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600